

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LUCKY BOBS INTERNET CAFÉ, LLC,)	Case No. 11CV148-BEN(JMA)
)	
Plaintiff,)	ORDER GRANTING JOINT MOTION
)	FOR RELIEF FROM SCHEDULING
v.)	ORDER (DOC. NO. 29)
)	
CALIFORNIA DEPARTMENT OF)	
JUSTICE,)	
)	
Defendant.)	
_____)	

The Court, upon review and consideration of the parties' Joint Motion for Relief from Court's Pretrial Scheduling Order, finds good cause for the requested relief and orders as follows:

1. Relief from paragraph one of the Scheduling Order is GRANTED to permit plaintiffs to file their Fourth Amended Complaint "FAC," within 10 days of this order. Defendants are to respond to the FAC within 45 days of its filing and service.

2. Relief from paragraph 4 of the Scheduling Order is GRANTED permitting the parties to submit expert disclosures on **March 20, 2012**. Contradictory or rebuttal information/experts to be disclosed **April 24, 2012**.

3. Relief from paragraph 5 of the Scheduling Order permitting discovery, including expert discovery, is GRANTED and to be completed on or before **June 29, 2012**.

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4. Relief from paragraph 6 of the scheduling order is GRANTED permitting motions to be filed on or before **August 29, 2012**.

5. At the request of the parties, a Settlement Conference will be conducted on **February 28, 2012** at **9:30 a.m.** in the chambers of Magistrate Judge Adler. Counsel shall submit settlement statements directly to Magistrate Judge Adler's chambers no later than February 21, 2012.¹ The parties may either submit confidential settlement statements or may exchange their settlement statements. Each party's settlement statement shall set forth the party's statement of the case, identify controlling legal issues, concisely set out issues of liability and damages, and shall set forth the party's settlement position, including the last offer or demand made by that party, and a separate statement of the offer or demand the party is prepared to make at the Settlement Conference. **The settlement conference briefs shall not be filed with the Clerk of the Court.**

All named parties, all counsel, and any other person(s) whose authority is required to negotiate and enter into settlement shall appear in person at the conference. The individual(s) present at the Settlement Conference with settlement authority must have the unfettered discretion and authority on behalf of the party to: 1) fully explore all settlement options and to agree during the Settlement Conference to any settlement terms acceptable to the party (*G. Heileman Brewing Co., Inc. v. Joseph Oat Corp.*, 871 F.2d 648, 653 (7th Cir. 1989)), 2) change the settlement position of a party during the course of the Mandatory Settlement Conference (*Pitman v. Brinker Int'l, Inc.*, 216 F.R.D. 481, 485-86 (D. Ariz. 2003)), and 3) negotiate a settlement without being restricted by any predetermined level of authority (*Nick v. Morgan's Foods, Inc.*, 270 F.3d 590, 596 (8th Cir. 2001)).

Governmental entities may appear through litigation counsel only. As to all other parties, appearance by litigation counsel only is not acceptable. Retained outside corporate counsel shall not appear on behalf of a corporation as the party who has the authority to negotiate and enter

¹Statements under 20 pages in length, including attachments and exhibits, may be delivered directly to chambers, e-mailed to efile_adler@casd.uscourts.gov, or faxed to (619) 702-9939. Statements exceeding 20 pages in length, including attachments and exhibits, must be delivered directly to chambers.

1 into a settlement. **The failure of any counsel, party or authorized person to appear at the**
2 **Mandatory Settlement Conference as required shall be cause for the immediate imposition**
3 **of sanctions.** All conference discussions will be informal, off the record, privileged, and
4 confidential.

5 To accommodate the changes that were requested by the parties, the Scheduling Order is
6 further modified as follows:

7 6. The Mandatory Settlement Conference is continued from July 30, 2012 at 10 a.m.
8 to **November 15, 2012** at **10:00 a.m.** in the chambers of Magistrate Judge Adler. Counsel shall
9 submit settlement statements **directly** to Magistrate Judge Adler's chambers no later than
10 **November 8, 2012.**

11 7. The deadline for parties to comply with the pretrial disclosure requirements of
12 Fed. R. Civ. P. 26(a)(3) is continued to **December 10, 2012.**

13 8. The deadline for the parties to filed and serve their Memorandum of Contentions
14 of Fact and Law and take any other action required by Local Rule 16.1.f.2 is continued to
15 **December 10, 2012.**

16 9. The deadline for counsel to confer and take the action required by Local Rule
17 16.1.f.4.a is continued to **December 17, 2012.**

18 10. The deadline for Plaintiff's counsel to provide opposing counsel with the
19 proposed pretrial order for review and approval and take any other action required by Local Rule
20 16.1.f.6.a is continued to **December 24, 2012.**

21 11. The deadline for written objections, if any, to any party's Fed. R. Civ. P. 26(a)(3)
22 pretrial disclosures to be filed and served is continued to **December 24, 2012.**

23 12. The Pretrial Order shall be lodged with the district judge's chambers on or before
24 **December 31, 2012** and shall be in the form prescribed in Local Rule 16.1.f.6.c.

25 13. The final Pretrial Conference is continued from September 10, 2012 at 10:30 a.m.
26 to **January 7, 2013** at **10:30 a.m.** The trial date will be assigned by the Honorable Roger T.
27 Benitez at the pretrial conference.

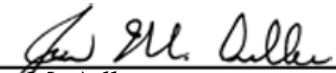
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1 14. The dates and times set forth herein will not be modified except for good cause
2 shown.

3 15. Plaintiff's counsel shall serve a copy of this order and the Scheduling Order on all
4 parties that enter this case hereafter.

5 **IT IS SO ORDERED.**

6 DATED: January 4, 2012

7 
8 Jan M. Adler
U.S. Magistrate Judge